



as the claims against Iran fall within the exceptions to immunity set forth at 28 U.S.C. §§ 1605(a)(5) and 1605A of the Foreign Sovereign Immunities Act ("FSIA").

5. This action was commenced on September 1, 2004 by the filing of a summons and complaint (04-CV-5970, docket no. 1). The Continental Plaintiffs thereafter filed a First Amended Complaint on December 8, 2004 (04-CV-5970, docket no. 4) which was served in accordance with FSIA on Iran through diplomatic channels by the United States Department of State on June 8, 2005.

6. Service on Iran was effectuated pursuant to the FSIA by sending the amended complaint, summons and notice of suit to J. Michael McMahon, Clerk of this Court, who forwarded these documents to the U.S. Department of State. The Department of State transmitted these documents to the Foreign Interests Section of the Embassy of Switzerland in Teheran, Iran which delivered those documents to the Iranian Ministry of Foreign Affairs on June 8, 2005. On August 24, 2016, the Continental Plaintiffs filed a declaration of service upon Iran together with evidence of the service of those documents upon Iran (04-CV-5970, docket no. 540). Copies of the declaration of service and the supporting documents are attached as Exhibit A.

7. Iran has not answered or otherwise responded to the amended complaint and the time for Iran to answer or otherwise respond to the amended complaint has expired.

8. Iran is not an infant, in military service or an incompetent person.

9. The Continental Plaintiffs therefore respectfully request a Clerk's Certificate of Default, attached hereto as Exhibit B, to provide to District Judge George B. Daniels in connection with a Motion for a Default Judgment pursuant to F.R.C.P. 55.

Dated: New York, New York  
September 26, 2016



---

ROBERT M. KAPLAN